

2614
B/93

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Date of Deposit

Gustavo Siller, Jr. (32,305)

Name of applicant, assignee or
Registered Representative

Signature

10/11/04

Date of Signature

Our Case No.: 9281-3950
Client Reference No.: S US 00029

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Yasuhiro Kudo)
Serial No. 09/826,669) Examiner: Trang U. Tran
Filing Date: April 5, 2001) Group Art Unit No.: 2614
For: Television Signal Transmitter Attenuating)
Unwanted Signal While Maintaining)
Match Between Circuits)

REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Allowance for the above identified application was mailed on July 26, 2004, with a published term adjustment under 35 U.S.C. § 154(b) of 432 days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

REMARKS

Reconsideration of the patent term adjustment under 35 U.S.C. § 154(b) is requested. A Notice of Allowance with a term adjustment of 432 days was mailed on July 26, 2004, and a copy of the Notification is included herewith as Exhibit A. Correction of the patent term adjustment to add 753 days to the patent term as shown below is respectfully requested. A fee charge as set forth in 37 CFR 1.18(e) is enclosed. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for U.S. Application No.: 09/826,669 is calculated as shown below. Dates are specified based on the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Also, note that the corresponding to be issued U.S. Patent is not subject to a terminal disclaimer.

Period of adjustment under 37 C.F.R. § 1.703(a)

The period of adjustment under 37 C.F.R. § 1.703(a) is the number of days in the period beginning on the day ("the 14 month date") after that date that is fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a) and ending on the date of mailing or either an action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151, whichever comes first.

The present application was filed on April 5, 2001. The 14 month date specified in 37 C.F.R. § 1.703(a) is June 5, 2002. The first PTO action was a Non-Final Office Action mailed August 14, 2003. The difference between the 14 month date and the date of mailing of the requirement for restriction is 435 days.

Period of adjustment under 37 C.F.R. § 1.703(b)

The period of adjustment under 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed under 35 U.S.C. § 111(a).

The present application was filed on April 5, 2001. The 3 year date specified in 37 C.F.R. § 1.703(b) is April 5, 2004. The Notice of Allowance was mailed on July 26, 2004. Hence, based on the mailing date of the Notice of Allowance, the difference between the 3 year date and the Notice date is 112 days.

Reduction in period of adjustment under 37 C.F.R. § 1.704

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.704(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month period is measured from the date the notice or action was mailed to the applicant. The period of adjustment set forth in 37 C.F.R. § 1.703 shall be reduced by the number of days beginning on the day ("the 3 month date") after the date that is three months after the date of mailing of the Office communication.

In the present application, a non-final rejection was mailed on August 14, 2003. The 3 month date for this communication is November 14, 2003. A Response to the non-final rejection was received by the Office on November 17, 2003, so the reduction in period of adjustment under 37 C.F.R. § 1.704(b) is 3 days.

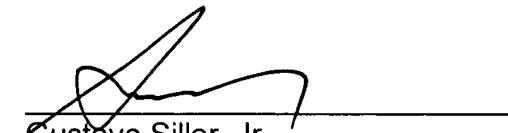
Total patent term adjustment

For the present application, the total PTA under 37 C.F.R. § 1.703(f) is the period of adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus 435 days + 112 days - 3 days = 753 days.

It is respectfully submitted that in the patent term adjustment determined for U.S. Application No.: 09/826,669 the term was not adjusted to include the 112 day term adjustment under 37 C.F.R. § 1.703 (d) for failure to issue the corresponding patent within 3 years from the date of filing of the patent application. Accordingly, reconsideration of the patent term adjustment for U.S. Application number 09/826,669 is respectfully requested.

Applicant respectfully requests reconsideration of the patent term adjustment for this patent. Office personnel are invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this request.

Respectfully submitted,



Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: October 8, 2004 Name: Gustavo Siller, Jr. (32,305) Signature:

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GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appl. of: Yasuharu KUDO

Appln. No.: 09/826,669

Filed: April 5, 2001

For: TELEVISION SIGNAL TRANSMITTER
ATTENUATING UNWANTED SIGNAL
WHILE MAINTAINING MATCH BETWEEN
CIRCUITS

Attorney Docket No: 9281-3950

Examiner: Trang U. Tran

Art Unit: 2614

Mail Stop Patent Ext.
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached are:

Transmittal Letter; Request for Reconsideration of the Patent Term Adjustment Under 37 C.F.R. §1.705(d) (4 pages – in duplicate) with Exhibits A and B
 Return Receipt Postcard

Fee calculation:

No additional fee is required.
 Small Entity.
 An extension fee in an amount of \$ _____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
 A petition or processing fee in an amount of \$ _____ under 37 C.F.R. § 1.17(______).
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity		
					Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+ \$290=	
					Total	\$		Total	\$

Fee payment:

A check in the amount of \$ _____ is enclosed.
 Please charge Deposit Account No. 23-1925 in the amount of \$ _____. A copy of this Transmittal is enclosed for this purpose.
 Payment by credit card in the amount of \$ _____. (Form PTO-2038 is attached).
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

10/11/04
Date

Gustavo Siller, Jr. (Reg. No. 32,305)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,669	04/05/2001	Yasuhiro Kudo	9281-3950	3502
757	7590	07/26/2004	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				TRAN, TRANG U
		ART UNIT		PAPER NUMBER
		2614		10

DATE MAILED: 07/26/2004

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 432 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 432 day(s).

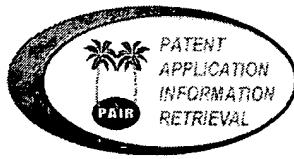
If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date of the CPA determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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Patent Term Adjustment (PTA) for application number: 09/826,669

			Days
Filing or 371(c) Date:	04-05-2001	USPTO Delay (PTO):	435
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	3
Post-Issue Petitions (days):	+0	Total PTA:	432
USPTO Adjustment (days):	+0	Explanation of Calculations	

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Assignments
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 File History
 Foreign Priority
 Publication Review
 Published Documents

Search**Patent Term Adjustment History**

Date	Contents Description	PTO (days)	APPL (days)
07-26-2004	Mail Notice of Allowance		
07-26-2004	Mail Formal Drawings Required		
07-26-2004	Formal Drawings Required		
07-26-2004	Notice of Allowance Data Verification Completed		
07-26-2004	Notice of Allowability		
05-19-2004	Date Forwarded to Examiner		
05-12-2004	Response after Non-Final Action		
05-12-2004	Workflow incoming amendment IFW		
02-12-2004	Mail Non-Final Rejection		
02-09-2004	Non-Final Rejection		
11-25-2003	Date Forwarded to Examiner		
11-17-2003	Response after Non-Final Action		3
08-14-2003	Mail Non-Final Rejection	435	
08-11-2003	Non-Final Rejection		
07-01-2003	Case Docketed to Examiner in GAU		
01-25-2002	Case Docketed to Examiner in GAU		
04-05-2001	Preliminary Amendment		
04-05-2001	Request for Foreign Priority (Priority Papers May Be Included)		
08-04-2001	Case Docketed to Examiner in GAU		
04-05-2001	Preliminary Amendment		
04-05-2001	Request for Foreign Priority (Priority Papers May Be Included)		
04-05-2001	Information Disclosure Statement (IDS) Filed		

05-31-2001	Application Dispatched from OIPE		
05-29-2001	Correspondence Address Change		
04-18-2001	IFW Scan & PACR Auto Security Review		
04-05-2001	Initial Exam Team nn		

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